

PULASKI, TOWN OF
Located in County of Pulaski.
Previously named Pulaski Station; changed to Pulaski City in 1886, c. 192
and to Pulaski in 1888, c. 289.
Incorporated by an 1886 Act of Assembly.

Charter, 1885-86, c. 192; repealed 1898, c. 190.

Charter, 1898, c. 190; repealed 1910, c. 242.

Charter, 1910, c. 242; repealed 1948, c. 337.

Charter, 1948, c. 337; repealed 1986, c. 47.

Charter, 1986, c. 47.

Amended 1998, c. 171 (§§ 4.02, 5.02, 5.03)

2000, c. 159 (§§ 3.04, 3.05, 3.10).

ARTICLE I.
INCORPORATION AND BOUNDARIES.

§ 1.01. Incorporation.--The inhabitants of the territory comprised within the limits of the Town of Pulaski, in the County of Pulaski, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Pulaski, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure (1986, c. 47)

§ 1.02. Boundaries.--The present boundaries of the town are as recorded in the Office of the Clerk of the Circuit Court of Pulaski County in Chancery Order Books 20 at page 197; 21 at page 42; and 24 at page 134.

The town shall have the power to expand or contract the corporate limits of the town, as provided by the Constitution and the general laws of Virginia in force at the time. (1986, c. 47)

ARTICLE II.
GENERAL POWERS.

§ 2.01. General grant of powers.--The Town of Pulaski shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but rather shall be in addition to this general grant. (1986, c. 47)

§ 2.02. Construction.--The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by this town. (1986, c. 47)

§ 2.03. Adoption of certain sections of the Code of Virginia.--The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1986, and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the Town of Pulaski. (1986, c. 47)

§ 2.04. Eminent domain [and other powers relating to property.--The Town of Pulaski is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits for any of its proper purposes, and may sell, lease, manage, improve, mortgage, pledge, and control such property as its interests require, and in such manner as the council deems expedient.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1., and Title 33.1, Chapter 1 of the Code of Virginia as in force on January 1, 1986, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the Town of Pulaski except that the powers of eminent domain specified in Chapter 1, Title 33.1 of such Code shall be limited to acquisition for streets and for water and sewage facilities. Certificates used pursuant to § 33.1-119 et seq., of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificates shall have the same effect as certificates issued by the State Highway and Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of § 33.1-119 et seq., of the Code of Virginia, as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1986, c. 47)

ARTICLE III. THE COUNCIL.

§ 3.01. Definitions.--As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, other than administrative department heads, such as the clerk of council, the town manager, and the town attorney; "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees." (1986, c. 47)

§ 3.02. General powers and duties of the council.--The government of the Town of Pulaski shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town Pulaski and for ensuring the implementation thereof by the town administration. (1986, c. 47)

§ 3.03. Voters of the town.--The voters of the Town of Pulaski shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (1986, c. 47)

§ 3.04. Composition and qualifications.
The council shall be composed of six council members and the mayor, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town. (1986, c. 47; 2000, c. 159)

§ 3.05. Election and term of office of council members.

The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May 2000, and every four years thereafter. The other three council members shall be elected on the first Tuesday in May 2002, and every four years thereafter.

The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose. (1986, c. 47; 2000, c. 159)

§ 3.06. Compensation; expenses.--The council may determine the annual salary of its members and the mayor by ordinance or written resolution. Such ordinance or resolution shall become effective at such time as the council may determine. Council members and the mayor also shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1986, c. 47)

§ 3.07. Mayor and vice-mayor.--The mayor shall be elected on the first Tuesday in May, 1986, and every two years thereafter. The position of mayor shall occupy a separate position on the ballot from that of the other council members and the mayor shall be elected in the manner provided by Virginia election laws.

The mayor shall have no right to vote in the council, except that in every case of a tie vote of the council, the mayor shall be entitled to vote and such vote (in case of a tie only) shall then have the same weight and effect as the vote of a councilman, but the mayor shall have no right to veto. In addition, he shall preside at meetings of the council and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with the office. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes. In the event of public danger or emergency the mayor shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no power to suspend, remove or discharge any officer, official, agent or employee of the town, nor shall he have any power or authority to appoint or employ any officer, official, agent or employee of the town, nor fix the term of office or employment or the compensation, or increase or decrease the power and authority of any officer, official, agent or employee of the town, unless such power shall have been given by the council.

The mayor shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; shall see that peace and order are preserved and that persons and property within the town are protected; shall authenticate by his or her signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and shall from time to time recommend to the council such measures as he or she may deem needful for the welfare of the town and shall be entitled to join in all discussions of town business.

Any provision of this charter dealing with a council member shall also apply to the mayor, unless the context clearly indicates otherwise.

At the first meeting of the council of each even-numbered year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become acting mayor until such time as a successor is appointed to fill the unexpired term. The council member who serves as vice-mayor or acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor. (1986, c. 47)

§ 3.08. Absence or disability of mayor and vice-mayor.--If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time as the person serves under this section. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the clerk of council or acting clerk of council shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section.

The council member who serves as acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor. (1986, c. 47)

§ 3.09. Prohibitions.--A. Holding other office. Except as otherwise authorized by law, a member of council or the mayor shall not be eligible during his tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member.

B. Appointments and removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town employees whom the manager or any of his subordinates are empowered to appoint or employ, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such employees. Nothing contained herein shall limit the ability of the council to eliminate an employment position or alter the conditions of employment attendant upon a given position.

C. Interference with administration. Except for the purpose of discussions, informal reviews, investigating injuries and/or official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (1986, c. 47)

§ 3.10. Vacancies; forfeiture of office; suspension and removal; filling of vacancies.

A. Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his office.

B. Forfeiture of offices. A council member shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office prescribed by this charter or by law;

2. Violates any express prohibition of this charter;
3. Is convicted of a felony or crime involving moral turpitude; or
4. Fails to attend three consecutive regular meetings of the council without being excused by the council.

C. Suspension and removal. The council shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense as set forth below. Removal of a council member shall require a unanimous vote of the remaining members of the council.

D. Filling of vacancy in office of mayor. A vacancy in the office of mayor shall be filled within forty-five days, for the unexpired term, by majority vote of the remaining members. A council member or other qualified voter of the town may be so appointed. Should a member of council be chosen to serve for such unexpired term, such councilman shall be deemed to have surrendered his or her office of councilman forthwith upon qualification as mayor, and the office of such councilman shall thereafter be vacant.

E. Filling of vacancies other than office of mayor. A vacancy on the council shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members. Notwithstanding any other provision of this charter, if at any time the membership of the council is reduced to less than three, the remaining members shall petition the circuit court to issue a writ for a special election to fill the vacancies for the unexpired terms. Such special election shall be held not less than sixty days after the date on which the writ is entered and shall not be held within sixty days prior to any primary or general election. (1986, c. 47; 2000, c. 159)

§ 3.11. Judge of forfeiture.--A council member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers with general circulation in the town at least two weeks in advance of the hearing. After such hearing council by a unanimous vote of the other members may declare the office of a council member forfeited and vacant. (1986, c. 47)

§ 3.12. Clerk of council.--The council shall appoint a clerk of council or designee who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the official town seal, and perform such other duties as are assigned to him by this charter or by the council. In the absence of the clerk of council, the council may appoint an acting clerk of council who shall serve at the pleasure of the council during the absence of the clerk of council. (1986, c. 47)

§ 3.13. Independent audit.--The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the Commonwealth makes such an

audit, the council may accept it as satisfying the requirements of this section. (1986, c. 47)

§ 3.14. Procedure.--A. Meetings. The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance, and no regular meeting may be continued or postponed without either (i) a majority vote of the council members in open session, or (ii) by written consent of the majority of the members other than the mayor, in which written consent shall specify the date for holding a postponed or continued meeting, and when a majority have signed such writing the same shall be so continued or postponed. Special meetings may be held on the call of the mayor or of any three council members. No business shall be transacted at a special meeting but that for which it may be called, unless the council be unanimous.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The meetings of the council shall be open to the public and to the press, except when the public welfare shall require executive session, and then the public welfare shall not be deemed to require such executive session unless a majority of the councilmen present and constituting a quorum shall vote in favor of such executive session. Any citizen and the press may have access to the minutes of the council at all reasonable times.

A majority of all members of council, exclusive of the mayor, shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absentees.

B. Rules and conduct of business. The council shall determine its own rules and order of business. The council shall have the power to create or abolish such committees, both standing and special, as it may from time to time determine to be necessary or convenient to the transaction of public business.

C. Voting. An affirmative recorded vote of a majority of those members voting is required for the adoption of any ordinance or resolution having in its object levying of taxes or contracting of debt. All votes must be in person. No proxies are allowed. Voting shall be by roll call with the ayes and nays recorded in the minutes where a roll call vote is required by statute or is called for by any council member prior to the vote. Otherwise, voting may be by voice vote without a roll call.

A majority vote of council shall mean a majority of those members present and actually voting on a matter at a properly called meeting of council. (1986, c. 47)

§ 3.15. Ordinances.--A. All ordinances passed by the town shall take effect at the time indicated in such ordinance, but in the event no effective date shall be set forth in any such ordinance passed by the council, the same shall become effective thirty days from the date of passage.

No publication of any ordinance or resolution passed by council shall be required, unless it shall be required by council or by general law and any such requirement of council shall be contained in the ordinance or resolution, and it shall be published for the time and in the manner therein contained. Every ordinance introduced shall be in writing and presented to council in the form in which it is to be finally passed.

All ordinances in effect in the Town of Pulaski, not inconsistent with this charter, shall remain and be in force and effect until altered, amended or repealed by the council.

B. Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinances, those acts of the town council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;
2. Provide for a fine or other criminal penalty or establish a rule or regulation for violation of which a fine is imposed;
3. Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;
4. Grant, renew or extend a franchise;
5. Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the department of parks and recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports, or other publication or making of copies of printed or recorded matter;
6. Authorize the borrowing of money;
7. Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

C. Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Pulaski. . . ." (1986, c. 47)

§ 3.16. Emergency ordinances.--To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 6.09B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to subsection 6.09B shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (1986, c. 47)

§ 3.17. Codes of technical regulations.--The council may adopt any standard code of technical regulations, such as building, electrical and sanitary codes, by reference thereto in an adopting ordinance, if such codes are not in conflict with state law. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (1986, c. 47)

§ 3.18. Authentication and recording; codification; printing.--A. Authentication and recording.

Every ordinance upon its final passage shall be recorded by the clerk of council in a properly indexed book designated for the purpose and shall be authenticated by the signature of the presiding officer and the clerk. Written resolutions shall be recorded in a similar manner and oral resolutions will be summarized and included in the minutes of the meeting at which they were passed.

B. Codification. From time to time as the council may deem necessary or convenient, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published in a form deemed reasonable by the council, together with this charter and any amendments thereto. Pertinent provisions of the Constitution and other laws of the Commonwealth of Virginia, and the text of codes of technical regulations and other rules and regulations as the council may specify, may be included if the council so desires. The compilation shall be known and cited officially as the Pulaski Town Code. Copies of the code shall be furnished to town officers and officials, placed in local libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

C. Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Pulaski Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (1986, c. 47)

§ 3.19. Town attorney. --An attorney may be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and may also serve as legal advisor to the town administration. The council may also retain or consult with such other legal counsel as it may deem in the town's interest. (1986, c. 47)

§ 3.20. Committees, boards and commissions.--A. Creation and appointment. The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

B. Removal. All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by general law. (1986, c. 47)

§ 3.21. Investigations of town affairs; penalties.--The council, mayor, town manager, and any officer, board or commission authorized by the council, shall have the power to make investigation as to town affairs, and for that purpose to issue subpoenas for witnesses, to administer oaths, and to compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by appropriate process issued by the General District Court of Pulaski County, upon application of the town, be brought before such court to show cause for such refusal or failure. Upon failure to give a satisfactory explanation for such refusal or failure, the person may be punished as for a Class 2 misdemeanor, with the same right of appeal to the Circuit Court of Pulaski County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1986, c. 47)

ARTICLE IV. THE TOWN MANAGER.

§ 4.01. Appointment; qualifications; compensation.--A town manager shall be appointed by and serve at the pleasure of the council, which shall fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or of the Commonwealth at the time of his appointment, but may reside outside the County of Pulaski while in office only with the approval of the council. (1986, c. 47)

§ 4.02. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

1. He shall appoint and, when he deems it necessary for the good of the service, suspend or remove any town employees other than appointed administrative officials provided for by or under this charter, except as otherwise provided by law, ordinance or resolution of the town council, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative official who is subject to his direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

2. He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law. All administrative department heads are subject to his authority.

3. He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

4. He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officials subject to his direction and supervision, are faithfully executed.

5. He shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

6. He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

7. He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

8. He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

9. He shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

10. He shall provide a system for handling complaints from citizens.

11. He shall perform such other duties as are specified in this charter or may be required by the council. (1986, c. 47; 1998, c. 171)

§ 4.03. Acting town manager.--By letter filed with the clerk of council within thirty days after assuming duties, and by amendment thereto as the town manager may from time to time deem necessary, the manager shall designate, subject to approval of the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties. (1986, c. 47)

§ 4.04. Removal.--The council may remove the manager from office at any time in its sole discretion and without any assigned reason, terminate the services of the town manager and either fill the vacancy at once or appoint an acting town manager until such time as it can appoint the replacement.

Nothing contained herein shall prohibit the council from entering into a written agreement with any town manager providing for compensation or other rights in the event of resignation, termination or removal. (1986, c. 47)

ARTICLE V.

ADMINISTRATIVE DEPARTMENTS.

§ 5.01. Creation of departments.--The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, engineering and public works, and parks and recreation.

The council may eliminate or redefine the responsibilities of any department, office, or agency as the council may deem necessary and in the best interest of the town.

The council, either directly or by delegation to the town manager, may promulgate such rules and regulations as it deems expedient for the management of town personnel and affairs. (1986, c. 47)

§ 5.02. Direction by manager.

All departments, offices and agencies, except as otherwise provided by this charter or by general law, shall be under the direction of the town manager. (1986, c. 47; 1998, c. 171)

§ 5.03. Employment and removal of department heads.

The town manager shall have the authority to appoint and remove department heads at will. A department head shall be deemed to serve at the pleasure of the town manager, with the right on the part of the town manager to, at any time in his sole discretion, and without any assigned reason, terminate the services of the person so appointed and either eliminate the position or fill the vacancy for the unexpired term. (1986, c. 47; 1998, c. 171)

ARTICLE VI.
FINANCIAL PROCEDURES.

§ 6.01. Fiscal year.--The fiscal year of the town shall begin and end on such days as are determined by the council from time to time and as are in accordance with general law. (1986, c. 47)

§ 6.02. Submission of budget and budget message.--At or before the last meeting of the council which is at least forty-five days prior to the start of the next fiscal year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (1986, c. 47)

§ 6.03. Budget message.--The manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (1986, c. 47)

§ 6.04. Budget contents.--The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and shall contain such information as is required by law.

The budget shall be in such form as the manager deems desirable or the council may require, unless otherwise required by law. (1986, c. 47)

§ 6.05. Capital program.--A. Submission to council. The manager shall prepare and submit to the council a five-year capital program at the same time that the budget is submitted.

B. Contents. The capital program shall require such information as the manager shall deem desirable, or the council may require, and such other information as may be required by general law.

C. The capital program may be revised and extended each year with regard to capital improvements still pending or in progress or in process of construction or acquisition. (1986, c. 47)

§ 6.06. Council action on budget.--A. Notice and hearing. The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and
2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

B. Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

C. Adoption. The budget shall be adopted within six weeks following the beginning of the fiscal year covered by the budget so adopted, but the failure to adopt the budget within six weeks shall not invalidate its subsequent adoption. However, no monies may be legally expended for town purposes after the expiration of six weeks until after the budget shall have been adopted. (1986, c. 47)

§ 6.07. Council action on capital program.--A. Notice and hearing. The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and

2. The time and places, not less than two weeks after such publication, for a public hearing on the capital program.

B. Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and no later than two weeks after the adoption of the budget. (1986, c. 47)

§ 6.08. Public records.--Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (1986, c. 47)

§ 6.09. Amendments after adoption.--A. Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of excess.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 3.16. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

D. Transfer of appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs

within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part of all of any unencumbered appropriation balance from one department, office or agency to another. (1986, c. 47)

§ 6.10. Lapse of appropriations.--Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (1986, c. 47)

§ 6.11. Contracting debts; evidences of indebtedness generally.--A. The town may in the name, and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations within the limitations prescribed by the Constitution, and in accordance with the provisions of law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with public utilities owned and operated by the town.

B. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized, or in anticipation of the receipt of taxes and revenues for the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans, or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues as the case may be. (1986, c. 47)

§ 6.12. Municipal assessment.--The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. (1986, c. 47)

§ 6.13. Assessments for local improvements.--The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments for a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (1986, c. 47)

§ 6.14. Grant of town's credit prohibited.--The credit of the town shall not directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation. (1986, c. 47)

ARTICLE VII.
GENERAL PROVISIONS.

§ 7.01. Charter amendment.--Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia. (1986, c. 47)

§ 7.02. Severability.--If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1986, c. 47)

§ 7.03. Oaths of office and official bonds.--All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the clerk of council and the clerk of the Circuit Court of Pulaski County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (1986, c. 47)

§ 7.04. Books, records, et cetera.--All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any persons designated by this charter, the general laws of the Commonwealth, or the Pulaski Town Code as responsible for keeping of such books, records and documents shall, after the end of his term of office, or after the date of his resignation or removal from office, deliver to the clerk of council all such books, records, and documents and town property if so requested by such clerk.

In the event that such books, records, documents and property are not delivered, the town shall be entitled to use any lawful means to effect their recovery, including but not limited to, injunctive relief, an action in detinue, peaceful repossession, an action for damages or the like. The town may also recover any damages or attorney's fees incurred as a result of a willful or negligent failure to return such books, records, documents or property. (1986, c. 47)

ARTICLE VIII.
TRANSITIONAL PROVISIONS.

§ 8.01. Ordinances.--All ordinances, resolutions, orders and regulations of the Town of Pulaski not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed. (1986, c. 47)

§ 8.02. Continuity of terms of officers.--The officers of the Town of Pulaski who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified.

The mayor and council members of the Town of Pulaski who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (1986, c. 47)

§ 8.03. Interpreting this charter.--The masculine shall be deemed to include the feminine and vice-versa. (1986, c. 47)

§ 8.04. Severability clause.--If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1986, c. 47)

§ 8.05. Repealing clause.--All acts or parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the Town of Pulaski, Virginia, are hereby repealed. (1986, c. 47)

§ 8.06. Citation of act.--This act may for all purposes be referred to or cited as the Charter for the Town of Pulaski, Virginia, of 1986. (1986, c. 47)